

RAIL SAFETY BILL H.R. 2095 UPDATE

6/17/07

WASHINGTON, June 14 — By a unanimous voice vote this afternoon, the House Transportation & Infrastructure Committee marked up H.R. 2095, the Federal Railroad Safety Improvement Act of 2007. Numerous provisions of the legislation, which is slightly different from the version marked-up in the Subcommittee on Railroads, Pipelines and Hazardous Materials on May 22, directly enhance safety for BLET members.

The bill makes several revisions to the Hours of Service Act governing how long railroad workers engaged in safety sensitive duties are permitted to work. The most notable change pertains to “limbo time,” which is the time a crew spends deadheading from its train to its point of final release after its hours of service expires.

If enacted into law, H.R. 2095 would permit “limbo time” only in situations involving a casualty, an accident, a track obstruction, an act of God, a weather event causing a delay, a snowstorm, a landslide, a track or bridge washout, a derailment, a major equipment failure which prevents a train from advancing, or any other delay from a cause unknown and unforeseeable to a railroad carrier when the employee left a designated terminal.

However, “limbo time” would be capped at 40 hours per month for the first year after the change takes effect, 30 hours per month during the second year, and 10 hours per month after the second year. If a covered employee’s “limbo time” exceeds the cap, the railroad would be in violation of the law and liable for a civil penalty. Also, additional time off duty is mandated whenever a covered employee experiences “limbo time,” and railroads will be required to report all instances of “limbo time.”

Other changes to the Hours of Service Act that impact BLET members include increasing the minimum off-duty period from 8 to 10 hours, regardless of the length of the duty tour, requiring that the off-duty period be undisturbed, and mandating at least 24 consecutive hours off duty once every 7 days. In addition, Hours of Service Act coverage for signal employees is expanded to include contractor employees, limits are placed on a railroad’s ability to work signal employees beyond their legal limit in emergencies, and the use of camp cars would be outlawed, which represents a significant victory for Teamster Rail Conference affiliate the Brotherhood of Maintenance of Way Employees Division.

The bill also requires railroads to install positive train control (PTC) systems by 2014, but allows for up to a two year extension in certain circumstances. Each PTC system and all PTC components must be certified as having experienced no safety-critical failure during prior testing and evaluation, or certified that any such failures have been corrected.

Two recommendations issued by the National Transportation Safety Board (NTSB) concerning “dark territory,” on which there is no signal system, also would become law under H.R. 2095. Within 24 months after enactment, the Secretary of Transportation would be required to develop and promulgate regulations requiring railroads either to install in non-signal territory enforcement devices that would stop a train in advance of a misaligned switch, or to impose speed limits to stop trains in advance of a misaligned switch.

Another NTSB recommendation — issued after the Graniteville, SC, collision and chlorine gas release that claimed the life of BLET member Chris Seeling — also is included in the bill. Within 18 months after H.R. 2095 becoming law, the Secretary of Transportation would be required to develop and promulgate regulations requiring railroads to provide emergency escape breathing apparatus for all crewmembers on freight trains carrying hazardous materials that would pose an inhalation hazard in the event of release.

With respect to railroad worker qualification, the bill mandates that Conductors and Carmen be certified. Additionally, the Secretary of Transportation would be required to develop and promulgate regulations establish minimum training standards for each craft or class of railroad employees. These standards would include a minimum training curriculum, and ongoing training criteria, testing, and skills evaluation measures to ensure that railroad employees charged with the inspection of track or railroad equipment are qualified to assess railroad compliance with Federal standards to identify defective conditions and initiate immediate remedial action to correct critical safety defects that are known to contribute to derailments, accidents, or injury.

Further, H.R. 2095 prohibits a railroad from denying, delaying, or interfering with the medical or first aid treatment of an employee who is injured during the course of employment. If transportation to a hospital is requested by an employee who is injured during the course of employment, the railroad must promptly arrange to have the injured employee transported to the nearest medically appropriate hospital.

Terming the bill “the most significant piece of rail safety legislation in more than a decade,” BLET Vice President and National Legislative Representative John P. Tolman said, “H.R. 2095 provides numerous concrete safety benefits for BLET members and finally puts an end to abuse of limbo time by the railroad industry.”

“It preserves for our membership the fatigue mitigating strategies already negotiated by our General Chairmen,” Tolman said, “and also will give our General Chairmen greater leverage in improving fatigue countermeasures in the future.”

The bill will move to the floor of the House for a final vote later this summer.

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